

Message Text

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INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY DUBLIN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY LUXEMBOURG

AMEMBASSY ROME

AMEMBASSY PARIS

USEC BRUSSELS

US MISSION NATO 2210

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 5866

E.O. 11652: GDS

TAGS: PFOR

SUBJ: CSCE: FINAL DOCUMENTS AND POST-CONFERENCE FOLLOW-ON

1. SUMMARY. USDEL CSCE HAS BEEN GIVEN INFORMALLY A COPY OF REPORT TO BE PRESENTED TO THE EC POLITICAL COMMITTEE ON NOV 13 ON CSCE OBJECTIVES, STRATEGY, FINAL DOCUMENTS, AND FOLLOW-ON. MUCH OF THE SECTIONS ON OBJECTIVES AND STRATEGY EITHER REPEAT WELL-KNOWN IDEAS OR ARE SO ESOTERIC AS TO HAVE LITTLE MEANING OUTSIDE GENEVA. WE TRANSMIT BELOW SECTIONS ON FINAL DOCUMENTS AND FOLLOW- ON, WHICH ARE OF PARTICULAR INTEREST. WHILE NO FORMAL CONSULTATION WITH PARTIES OUTSIDE THE NINE IS PRESENTLY ENVISAGED BY THE CONFIDENTIAL

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NINE, WE HAVE SAID THAT WE WOULD CONVEY ANY REACTIONS TO THEM INFORMALLY BY NOV 9, WHEN CSCE REPS DEPART FOR POLITICAL COMMITTEE MEETING. SINCE THERE SEEMS TO BE SOME SENSITIVITY WITHIN THE NINE ABOUT THIS PROCEDURE,

THE FACT THAT WE HAVE THE FULL TEXT OF THIS PAPER SHOULD NOT REPEAT NOT BE REVEALED. END SUMMARY.

2. IN ITS TREATMENT OF THE NATURE OF FINAL CONFERENCE DOCUMENTS, WE FIND THE NINE'S PAPER A USEFUL ELABORATION OF THE UK PAPER CIRCULATED EARLIER AT NATO (USNATO 5140 NOTAL), ALTHOUGH IT GOES INTO CONSIDERABLE DETAIL. WE STILL FEEL THE APPROACH IS TOO IDEALISTIC AND TAKES TOO LITTLE ACCOUNT OF SOVIET BLOC REACTIONS. IT SEEMS HIGHLY UNLIKELY, FOR EXAMPLE, THAT THE SOVIETS WILL PERMIT MORE CONCRETE FORMS OF AGREEMENT OR RESULTS ON SPECIFIC SUBJECTS IN THE THIRD BASKET THAN THEY ARE SEEKING FOR PRINCIPLES ON RELATIONS BETWEEN STATES, OR THAT POST-CONFERENCE NEGOTIATIONS ON FREER MOVEMENT ISSUES FOLLOWING CONFERENCE APPROVAL OF THE PRINCIPLES COULD BRING SATISFACTORY RESULTS.

3. DEPARTMENT MAY ALSO WISH TO NOTE THE PAPER'S RATHER OPEN POSITION ON MOST FORMS OF FOLLOW-ON ACTIVITY. THE NINE APPARENTLY CAN ACCEPT MANY FORMS OF FOLLOW-ON, FAVOR CERTAIN FOLLOW-ON ACTIVITY, AND EVEN LEAVE THE DOOR OPEN TO CONTINUING POLITICAL CONSULTATIONS. WE WILL BE COMMENTING FURTHER ON THIS SUBJECT BY SEPTTEL.

BEGIN EXCERPT FROM TEXT: (UNOFFICIAL USDEL TRANSLATION):

2. NATURE OF THE DECISIONS OF THE CONFERENCE

A. GENERAL CONSIDERATIONS

THE SOVIETS HOPE THAT THE CONFERENCE WILL ADOPT A SINGLE DOCUMENT FOR EACH AGENDA ITEM, THE PRIMACY OF THE DECLARATION RELATIVE TO ITEM I BEING MARKED BY THE FACT THAT IT WOULD APPARENTLY BE THE ONLY ONE TO BE SIGNED. IN THIS CONCEPTION, THE FOUR DOCUMENTS SHOULD CONSIST OF DECLARATIONS OF INTENTION OF A VERY GENERAL CHARACTER AND SHOULD NOT ENTAIL LEGAL OBLIGATIONS.

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IT SHOULD BE UNDERLINED, IN THIS RESPECT, THAT THE DECLARATION ON PRINCIPLES PRODUCES ITS EFFECTS "IPSO FACTO" THAT IS TO SAY, BY THE VERY FACT THAT THEY EXIST AND THAT THEY WERE SOLEMNLY APPROVED. ON THE OTHER HAND THE OTHER DOCUMENTS DO NOT PRODUCE IMMEDIATE EFFECTS, BUT CONSTITUTE COMMITMENTS OF PRINCIPLE WHICH WILL HAVE NO VALUE EXCEPT INsofar AS THE STATES WISH TO FOLLOW THEM UP.

IT RESULTS FROM SECTION I (USDEL NOTE: NOT TRANSMITTED) ABOVE THAT THE OBJECTIVES OF THE NINE ARE VERY DIFFERENT FROM THIS AND THAT THEY WILL NOT BE ATTAINED IF THE CSCE GOES NO FURTHER THAN DECLARATIONS OF GENERAL INTENTIONS. NEVERHTLESS, THE PURSUIT OF THESE OBJECTIVES DOES NOT IMPOSE, A PRIORI,

THE ADOPTION OF A PARTICULAR FORM OF DOCUMENTS. THIS FORM SHOULD CORRESPOND, IN FACT, TO THE DEGREE OF AGREEMENT OBTAINED ON EACH SPECIFIC SUBJECT.

AT THE SAME TIME THE DIFFERENT AGENDA ITEMS SHOULD BE SEEN ACCORDING TO THEIR OWN VALUE AND AN IMPORTANCE SHOULD NOT BE GIVEN TO ONE ABOVE THE OTHERS. IN PARTICULAR, WE SHOULD NOT AGREE TO MAKE THE DOCUMENT OF THE FIRST COMMISSION A "GENERAL DECLARATION" WHICH WOULD COVER THE OTHER SUBJECTS. THIS IS WHY WE SHOULD AVOID THE INSERTION IN THIS DECLARATION OF VERY GENERAL PHRASES ON AGENDA ITEMS II AND III. SUCH REFERENCES WOULD TEND TO REINFORCE THE WEIGHT WHICH THE PRINCIPLES OF SOVEREIGNTY AND NON-INTERFERENCE COULD HAVE ON THE OTHER TEXTS WHICH WILL BE ELABORATED BY THE CONFERENCE.

AS A RESULT, WE SHOULD TRY FOR A CERTAIN DIVERSITY IN THE FORM OF THE CONCLUSIONS OF THE CONFERENCE. PARAGRAPH 8 OF THE FINAL RECOMMENDATIONS TENDS TO SUPPORT THIS IDEA, SINCE IT MENTIONS "DRAFTS OF DECLARATIONS, OF RECOMMENDATIONS, OF RESOLUTIONS, OR OF ANY OTHER FINAL DOCUMENTS."

IF WE LOOK AT THE FINAL DOCUMENTS OF THE CONFERENCE AS A WHOLE, DIFFERENT SOLUTIONS CAN BE IMAGINED:

I. THE MINIMAL SOLUTION WOULD CONSIST IN THE CSCE ADOPTING ONLY DECLARATIONS, RESOLUTIONS, AND RECOMMENDATIONS CREATING POLITICAL AND MORAL COMMITMENTS, BUT NOT LEGAL COMMITMENTS, CONFIDENTIAL

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AND ADMITTING THE CREATION OF NO NEW INSTITUTIONAL MECHANISM.

II. ANOTHER SOLUTION WOULD CONSIST IN THE STATES COMMITTING THEMSELVES, IN ADDITION, TO UNDERTAKING MULTILATERAL NEGOTIATIONS ON CERTAIN SUBJECTS AFTER THE CONFERENCE, WITH A VIEW TO CONCLUDING AGREEMENTS OF AN OBLIGATORY NATURE.

III. A SOLUTION GOING EVEN FARTHER WOULD CONSIST IN INCLUDING SUCH COMMITMENTS IN THE FORM OF CONVENTIONS IN THE DECISIONS OF THE CONFERENCE ITSELF.

IN ORDER THAT THE RANGE OF POSSIBILITIES BE COMPLETE, IT SHOULD BE ADDED THAT, APART FROM THE COMPELLING CHARACTER OF THE DOCUMENTS, THE RANGE OF OPTIONS IS ENLARGED BY FORESEEING POSSIBLE "TECHNICAL FOLLOW-ON", WITHIN EACH SOLUTION, THAT IS INSTITUTIONAL MECHANISMS CHARGED WITH FOLLOWING THE CARRYING-OUT OF THE DECISIONS OF THE CONFERENCE. IN FACT, SUCH A METHOD COULD BE CONSIDERED AS A WAY OF REINFORCING THE SIGNIFICANCE OF THESE DECISIONS. THUS ONE COULD IMAGINE THE "MINIMAL SOLUTION" DESCRIBED ABOVE (NO COMPELLING AGREEMENTS

IMMEDIATELY OR AT THE CONCLUSION), SOMEWHAT REINFORCED BY THE INSTITUTION OF IMPLEMENTING MECHANISMS CONCERNING CERTAIN SUBJECTS. THIS METHOD NEVERTHELESS POSES PROBLEMS ON THE POLITICAL LEVEL, WHICH WILL BE EXAMINED IN A LATER CHAPTER OF THIS DOCUMENT.

THE "MINIMAL SOLUTION" WITHOUT LEGAL COMMITMENTS DOES NOT NECESSARILY EXCLUDE RESULTS FAVORABLE TO WESTERN INTERESTS, SINCE THE FINAL DOCUMENTS, EVEN UNDER THIS OPTION, COULD GO FROM THE DECLARATION TO PRECISE DECISIONS COVERING SPECIFIC COOPERATION PROJECTS. FOR CONFIDENCE BUILDING MEASURES A NON-LEGAL DOCUMENT WOULD PERMIT A COMMITMENT WHICH WOULD NOT BE SUBJECT TO VERIFICATION AND IN WHICH THE ONLY SANCTION WOULD BE POLITICAL. BY THE SAME TOKEN, WE COULD ACCEPT SIMPLE RESOLUTIONS ON CERTAIN SUBJECTS OF THE THIRD AGENDA ITEM, IF THEY WERE PRECISE ENOUGH.

THE METHOD OF "COMMITMENT TO NEGOTIATE" SUPPOSES AN AGREEMENT ON THE OBJECTIVE OF THE NEGOTIATION, WHICH CONFIDENTIAL

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COULD, IF IT WAS PRECISE ENOUGH, TAKE THE FORM OF A DETAILED "MANDATE" AND EVEN POSSIBLY REQUIRE INDICATIONS ON DELAY. IT COULD BE CONCEIVED, ACCORDING TO THE SUBJECT, WITH THE USE OF EXISTING ORGANISMS OR WITH THE CREATION OF NEW ORGANISMS. BUT THE DECISION COULD ALSO, AND THIS IS THE ADVANTAGE OF THE METHOD, CONFINE ITSELF TO PROVIDING FOR A CONFERENCE WHICH WOULD CEASE TO EXIST WHEN IT HAD FULFILLED ITS MANDATE. THIS IS A TYPICAL NON-INSTITUTIONAL "TECHNICAL FOLLOW-ON".

FROM THE BEGINNING OF THE CONFERENCE, THE CONCLUSION OF DOCUMENTS CREATING OBLIGATIONS OF A CONVENTIONAL CHARACTER POSED SOMEWHAT DELICATE PROBLEMS ON THE TECHNICAL NEGOTIATING PLANE AND CONCERNING THE CERTAINTY OF RATIFICATION. ON WELL DEFINED SUBJECTS OF INTEREST TO THE WEST, A POSITION CONSISTING OF PROPOSING THE SIGNING OF CONVENTIONS COULD NEVERTHELESS BE ENVISAGED.

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C O N F I D E N T I A L SECTION 2 OF 2 USNATO 5866

AS FOR THE DECISIONS OF THE CONFERENCE, WHATEVER
THEIR FORM OR LEGAL STATUS MIGHT BE, THEY SHOULD BE
GROUPED TOGETHER IN ONE BOOK, THE "FINAL ACT" OF THE
CSCE, THE VOLUME BEING SUBMITTED AS A WHOLE TO THE
MINISTERS AT THE THIRD PHASE OF THE CONFERENCE.

B. NATURE OF THE DECISIONS BY SUBJECT.

FIRST AGENDA ITEM
DECLARATION ON PRINCIPLES

EVEN IF IT IS ADMITTED THAT THIS POLITICAL DOCUMENT
WILL NOT HAVE THE CHARACTER OF AN INTERNATIONAL TREATY,
THE QUESTION IS POSED AS TO WHETHER -- AS THE USSR HOPES --
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THIS DECLARATION SHOULD BE SIGNED. WE FOR OUR PART SHOULD
ENDEAVOR TO PROVIDE FOR A BRIEF DOCUMENT OF APPROVAL
WHICH WOULD COVER THE WHOLE OF THE FINAL VOLUME OF THE
CONFERENCE AND WOULD PERMIT US TO DEFLECT THE SOVIET
PROPOSITION.

NON-USE OF FORCE (ROMANIAN PAPER)

FOR THE ROMANIAN PROPOSAL, EITHER CERTAIN OF ITS ACCEPTABLE
ELEMENTS WILL BE TAKEN UP IN THE DECLARATION ON PRINCIPLES OR,
AT MOST, THIS TEXT COULD BE THE SUBJECT OF A SIMPLE
RESOLUTION.

PEACEFUL SETTLEMENT OF DISPUTES (SWISS PAPER)

THE SWISS PAPER COULD BE THE SUBJECT OF A RESOLUTION
WHICH WOULD FIX CERTAIN IDEAS ON WHICH THERE IS GENERAL

AGREEMENT, REFLECT THE STATE OF THE DISCUSSIONS, AND CONTAIN A COMMITMENT TO NEGOTIATE AT A LATER DATE. WE SHOULD NEVERTHELESS WATCH OUT THAT THE PROPOSALS IN THIS AREA DO NOT LEAD TO THE SETTING UP OF A MECHANISM IMPLYING INSTITUTIONAL FOLLOW-ON OF A POLITICAL NATURE.

SECOND AGENDA ITEM - (BLANK)

THIRD AGENDA ITEM

FOR THE SUBJECTS RELATING TO HUMAN CONTACTS AND INFORMATION, AS WELL AS FOR THE FREER MOVEMENT PART OF THE CULTURAL CHAPTER, WE HAVE AN INTEREST IN TRYING, INsofar AS POSSIBLE, FOR THE CONCLUSION OF CONVENTIONS OR FRAMEWORK AGREEMENTS OR A COMMITMENT TO NEGOTIATE WITH A VIEW TO CONCLUDING SUCH INSTRUMENTS.

THERE IS A QUESTION AS TO WHETHER WE SHOULD ASK, IN RELATION TO AGENDA ITEM III, FOR "SURVEILLANCE FOLLOW-ON" FOR VERIFYING THE PUTTING INTO PRACTICE OF THE CONCLUSIONS OF THE CONFERENCE, NOTABLY IN SUBJECTS TOUCHING ON FREER MOVEMENT. IF WE SHOULD ASK FOR AN ORGAN CHARGED WITH SUCH A MISSION, IT WOULD PROBABLY BE EASIER TO OBTAIN IF IT WERE RESPONSIBLE NOT FOR HUMAN CONTACTS AND INFORMATION ALONE, BUT FOR THE WHOLE OF ITEM III. THIS WOULD, HOWEVER, POSE
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INDIRECTLY THE PROBLEM OF POLITICAL FOLLOW-ON.

THIS IDEA OF "SURVEILLANCE FOLLOW-ON" IS DISTINCT FROM SPECIFIC FOLLOW-ON, THAT IS THE CREATION OF ALTOGETHER SPECIALIZED ORGANS CHARGED WITH THE ACCOMPLISHMENT OF WELL-DEFINED TASKS (SCIENTIFIC FORUM, EUROPEAN MAGAZINE, ETC.) THESE ALTOGETHER SPECIALIZED ORGANS NOT CREATING IN THEMSELVES THE NEED FOR COORDINATION DO NOT POSE THE PROBLEM OF POLITICAL FOLLOW-ON.

III. FOLLOW-ON TO THE CONFERENCE

IN DOCUMENT CP (72) 57 THE MINISTERS AGREED NOTABLY:
"THE DEFINITION OF THE MANDATE OF THE COMMITTEE CHARGED WITH TREATING THIS QUESTION COULD EVEN FORESEE INSTITUTIONAL FOLLOW-ON, EXCLUDING HOWEVER THE CREATION OF A POLITICAL ORGANISM WHICH WOULD GO AGAINST OUR OBJECTIVES. ON THE OTHER HAND, IT COULD BE SHOWN TO BE USEFUL IN THE AREA OF ECONOMIC, TECHNICAL AND CULTURAL COOPERATION, TO CONFIDE TO APPROPRIATE ORGANISMS, EXISTING OR TO BE CREATED, THE PURSUIT OF NEGOTIATIONS OR THE PUTTING INTO APPLICATION OF THE DECISIONS TAKEN."

1. "TECHNICAL" FOLLOW-ON

WE SHOULD AVOID PROVIDING FOR LATER DISCUSSIONS OR

CREATION OF ORGANISMS AS CAMOUFLAGE FOR A RELATIVE
FAILURE OF THE WORK OF THE CONFERENCE, ESPECIALLY UNDER
THE THIRD AGENDA ITEM.

TECHNICAL FOLLOW-ON CAN BE PRESENTED UNDER TWO ASPECTS:

A. THE PURSUIT OF NEGOTIATIONS ON ONE OR ANOTHER SUBJECT.

THIS COMES BACK TO CERTAIN CONSIDERATIONS MENTIONED
EARLIER IN THIS REPORT ON THE NATURE OF THE
DECISIONS OF THE CONFERENCE, AMONG WHICH SOME COULD
CONSIST OF COMMITMENTS TO NEGOTIATE.

IF WE WANT TO REFER CERTAIN QUESTIONS WHICH ARE NOT YET
MATURE ENOUGH FOR AGREEMENT, IT WOULD BE NECESSARY TO
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DETERMINE WITH SOME PRECISION THE FRAMEWORK (SPECIAL CONFERENCES
OR NEGOTIATIONS IN AN INSTITUTIONAL FRAMEWORK) AND THE
OBJECTIVES OF SUCH LATER NEGOTIATIONS.

B. FOR AGREEMENTS WHICH WOULD REQUIRE MEASURES OF
APPLICATION WE SHOULD DETERMINE CAREFULLY THE ORGANISMS
TO WHICH THE MANAGEMENT OF THESE ARRANGEMENTS WILL BE
CONFIDED. INsofar AS POSSIBLE WE WOULD HOPE TO USE EXISTING
ORGANIZATIONS.

(C. THE DECISION EITHER TO PURSUE NEGOTIATIONS IN
SEVERAL SECTORS, OR TO CONFIDE TO TECHNICAL ORGANIZATIONS
THE MANAGEMENT OF THE RESULTS ATTAINED, COULD POSE THE
PROBLEM OF EVENTUALLY CREATING AN ORGANISM WHICH WOULD
BE CHARGED WITH COORDINATING THESE DIVERSE ACTIVITIES)
(NOTE: THIS PARAGRAPH IS A FRG PROPOSAL, NOT FULLY
AGREED BY THE NINE BUT INCLUDED IN THE PAPER IN
BRACKETS.)

2. POLITICAL FOLLOW-ON

THE CREATION OF A MECHANISM FOR POLITICAL CONSULTATION,
ON WHICH THE MINISTERS HAVE ADOPTED THE POSITION RECALLED
ABOVE, PRESENTS OBVIOUS DRAWBACKS WHICH SHOULD INSPIRE
US WITH GREAT PRUDENCE:

-- IT COULD FURNISH THE USSR THE MEANS FOR INTERFERING
IN THE INITIATIVES WHICH THE NINE MIGHT TAKE WITHIN
THE FRAMEWORK OF EUROPEAN COOPERATION. ALL MEASURES
WHICH WE WOULD PROPOSE TO ACHIEVE IN THIS AREA COULD BE
CRITICIZED AND WE WOULD BE ASKED TO ENVISAGE THEIR
ACHIEVEMENT NOT WITHIN THE EUROPEAN
COMMUNITY, BUT ON A PAN-EUROPEAN LEVEL;

-- IT COULD PROGRESSIVELY CONSTITUTE THE EMBRYO OF AN

EUROPEAN SECURITY SYSTEM.

FROM ANOTHER POINT OF VIEW, THE MPT AND THE INITIAL
WORK OF THE CSCE HAVE REVEALED SOME POSITIVE ASPECTS
(AFFIRMATION OF THE EUROPEAN COMMUNITY, ROLE OF THE
NEUTRALS AND OF ROMANIA), AND THE RULE OF CONSENSUS
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HAS GUARANTEED US, IN LARGE MEASURE, AGAINST DECISIONS
WHICH WE WOULD NOT HAVE WANTED.

THE DISCUSSION IN THE EC SUB-COMMITTEE HAS BROUGHT OUT THE
FOLLOWING IDEAS:

I. WHATEVER THE RESULTS OF THE CONFERENCE, WE CONSIDER IT
INAPPORTUNE TO PROVIDE FOR FOLLOW-ON OF A POLITICAL NATURE;

II. A FIRST EXAMINATION BY THE SUB-COMMITTEE HAS
BROUGHT OUT THE SENTIMENT THAT THE NINE COULD ENVISAGE
A CERTAIN FLEXIIBILITY ON THIS QUESTION IF, ON THEIR
SIDE, THE SOCIALIST COUNTRIES ACCEPT THE ASSUMPTION OF CONCRETE
OBLIGATIONS UNDER THE THIRD AGENDA ITEM. THERE WOULD BE
NO QUESTION, HOWEVER, OF ACCEPTING A CONSULTATIVE
COMMITTEE ORGANIZED ALONG THE LINES OF THE
CZECHOSLOVAK PROPOSAL, BUT ONLY TO ACCEPT PROLONGING OUR
POLITICAL CONSULTATIONS BY INFORMAL CONSULTATIONS ON
SUBJECTS AGREED ON BEFOREHAND.

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